



January 25, 2008

HOUSE BILL No. 1280

DIGEST OF HB 1280 (Updated January 23, 2008 3:15 pm - DI 69)

Citations Affected: IC 4-13.6; IC 5-16; IC 5-22; IC 21-34; IC 36-1; noncode.

Synopsis: Energy efficient buildings. Requires a building or structure constructed, reconstructed, repaired, altered, or retrofitted under certain public works contracts entered into after December 31, 2008, to be designed with the goal of achieving the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, the Green Globes Two Globes level, or an equivalent standard under an equivalent rating system that is accredited by the American National Standards Institute. Provides that the certification requirement does not apply to a public works contract entered into by a school corporation. Provides that for state agency purchases, there is a 5% price preference for certain office equipment that is compliant with the United States Environmental Protection Agency Energy Star ratings. Allows the Indiana economic development corporation to adopt rules allowing the corporation to give priority to economic development projects that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative.

Effective: July 1, 2008.

Pierce

January 15, 2008, read first time and referred to Committee on Environmental Affairs.
January 24, 2008, amended, reported — Do Pass.

HB 1280—LS 6890/DI 92+



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January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1280

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13.6-2-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 13. (a) This section applies to a public works contract**
4 **that satisfies all the following requirements:**

5 (1) The contract is entered into under this article after
6 December 31, 2008.

7 (2) The total value of the project subject to the contract is at
8 least one million dollars (\$1,000,000).

9 (3) The contract is for the construction, reconstruction,
10 repair, alteration, or retrofitting of a public building or
11 structure.

12 (4) The contract is not for the construction, reconstruction,
13 repair, alteration, or retrofitting of a public building or
14 structure that is listed or eligible for listing on the National
15 Register of Historic Places.

16 (5) The contract is not for the construction, reconstruction,
17 repair, alteration, or retrofitting of a public building or

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structure that is designed solely to store commodities or other property such as a highway salt barn.

(b) A public works contract described in subsection (a) for the construction of a public building or structure must require that the public building or structure constructed under the public works contract be designed with the goal of achieving:

- (1) the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system;
- (2) the Green Globes Two Globes level; or
- (3) an equivalent rating under an equivalent rating system that is accredited by the American National Standards Institute.

(c) A public works contract described in subsection (a) for the reconstruction, repair, alteration, or retrofitting of a public building or structure must require that the reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:

- (1) the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system;
- (2) the Green Globes Two Globes level; or
- (3) an equivalent standard under an equivalent rating system that is accredited by the American National Standards Institute.

(d) The division shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section.

SECTION 2. IC 5-16-1-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) This section applies to a public works contract that satisfies all the following requirements:

- (1) The contract is entered into under this article after December 31, 2008.
- (2) The total value of the project subject to the contract is at least one million dollars (\$1,000,000).
- (3) The contract is for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure.
- (4) The contract is not for the construction, reconstruction, repair, alteration, or retrofitting of a public building or

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structure that is listed or eligible for listing on the National Register of Historic Places.

(5) The contract is not for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure that is designed solely to store commodities or other property such as a highway salt barn.

(b) A public works contract described in subsection (a) for the construction of a public building or structure must require that the public building or structure constructed under the public works contract be designed with the goal of achieving:

(1) the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system;

(2) the Green Globes Two Globes level; or

(3) an equivalent rating under an equivalent rating system that is accredited by the American National Standards Institute.

(c) A public works contract described in subsection (a) for the reconstruction, repair, alteration, or retrofitting of a public building or structure must require that the reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:

(1) the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system;

(2) the Green Globes Two Globes level; or

(3) an equivalent standard under an equivalent rating system that is accredited by the American National Standards Institute.

(d) The contracting agency shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section.

SECTION 3. IC 5-22-15-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 26. (a) This section applies only to a contract awarded by a state agency or a purchase made by a state agency.

(b) There is a price preference of five percent (5%) for any electronic office equipment, including computers, monitors, printers, scanners, fax machines, and copiers, that are compliant with the United States Environmental Protection Agency Energy Star ratings.

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SECTION 4. IC 21-34-3-8 IS ADDED TO THE INDIANA CODE
 ASA NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2008]: **Sec. 8. (a) This section applies to a contract for a building
 facility that satisfies all the following requirements:**

**(1) The contract is entered into under this article after
 December 31, 2008.**

**(2) The total value of the project subject to the contract is at
 least one million dollars (\$1,000,000).**

**(3) The contract is for the construction, reconstruction,
 repair, alteration, or retrofitting of a university owned
 building or structure.**

**(4) The contract is not for the construction, reconstruction,
 repair, alteration, or retrofitting of a university owned
 building or structure that is listed or eligible for listing on the
 National Register of Historic Places.**

**(5) The contract is not for the construction, reconstruction,
 repair, alteration, or retrofitting of a university owned
 building or structure that is designed solely to store
 commodities or other property such as a highway salt barn.**

**(b) A contract described in subsection (a) for the construction
 of a university owned building or structure must require that the
 building or structure constructed under the contract be designed
 with the goal of achieving:**

**(1) the silver rating under the United States Green Building
 Council's Leadership in Energy and Environmental Design
 (LEED) rating system;**

(2) the Green Globes Two Globes level; or

**(3) an equivalent rating under an equivalent rating system
 that is accredited by the American National Standards
 Institute.**

**(c) A contract described in subsection (a) for the reconstruction,
 repair, alteration, or retrofitting of a university owned building or
 structure must require that the reconstructed, repaired, altered, or
 retrofitted building or structure be designed with the goal of
 achieving:**

**(1) the standards for existing buildings under the United
 States Green Building Council's Leadership in Energy and
 Environmental Design (LEED) rating system;**

(2) the Green Globes Two Globes level; or

**(3) an equivalent standard under an equivalent rating system
 that is accredited by the American National Standards
 Institute.**

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(d) The university shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section.

SECTION 5. IC 36-1-12-1, AS AMENDED BY P.L.168-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in this section and section 22(a) of this chapter, this chapter applies to all public work performed or contracted for by:

(1) political subdivisions; and

(2) their agencies;

regardless of whether it is performed on property owned or leased by the political subdivision or agency.

(b) This chapter does not apply to an officer or agent who, on behalf of a municipal utility, maintains, extends, and installs services of the utility if the necessary work is done by the employees of the utility.

(c) This chapter does not apply to hospitals organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public work is financed in whole or in part with cumulative building fund revenue.

(d) This chapter does not apply to tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political subdivision.

(e) As an alternative to this chapter, the governing body of a school corporation may participate in a utility efficiency program or may enter into a guaranteed savings contract as permitted under IC 36-1-12.5.

(f) This chapter does not apply to a person that has entered into an operating agreement with a political subdivision or an agency of a political subdivision under IC 5-23.

SECTION 6. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. (a) This section does not apply to a school corporation.

(b) Except as provided in subsection (a), this section applies to a public works contract that satisfies all the following requirements:

(1) The contract is entered into under this article after December 31, 2008.

(2) The total value of the project subject to the contract is at least one million dollars (\$1,000,000).

(3) The contract is for the construction, reconstruction, repair, alteration, or retrofitting of a public building or

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structure.

(4) The contract is not for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure that is listed or eligible for listing on the National Register of Historic Places.

(5) The contract is not for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure that is designed solely to store commodities or other property such as a highway salt barn.

(c) A public works contract described in subsection (b) for the construction of a public building or structure must require that the public building or structure constructed under the public works contract be designed with the goal of achieving:

(1) the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system;

(2) the Green Globes Two Globes level; or

(3) an equivalent rating under an equivalent rating system that is accredited by the American National Standards Institute.

(d) A public works contract described in subsection (b) for the reconstruction, repair, alteration, or retrofitting of a public building or structure must require that the reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:

(1) the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system;

(2) the Green Globes Two Globes level; or

(3) an equivalent rating under an equivalent rating system that is accredited by the American National Standards Institute.

(e) The political subdivision shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section.

SECTION 7. [EFFECTIVE JULY 1, 2008] (a) The Indiana economic development corporation may adopt rules granting priority to economic development projects that include buildings that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative.

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1 (b) This SECTION expires January 1, 2011.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "listed" insert "**or eligible for listing**".

Page 2, line 6, delete "is certified to meet at least:" and insert "**be designed with the goal of achieving:**".

Page 2, line 9, delete "or".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 2, line 10, delete "(2)" and insert "(3)".

Page 2, line 15, delete "reconstruction, repair," and insert "**reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:**".

Page 2, delete line 16.

Page 2, line 19, delete "or".

Page 2, between lines 19 and 20, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 2, line 20, delete "(2)" and insert "(3)".

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"(d) The division shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

Page 2, line 36, after "listed" insert "**or eligible for listing**".

Page 3, line 3, delete "meets at least:" and insert "**be designed with the goal of achieving:**".

Page 3, line 6, delete "or".

Page 3, between lines 6 and 7, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 3, line 7, delete "(2)" and insert "(3)".

Page 3, line 12, delete "reconstruction, repair," and insert "**reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:**".

Page 3, delete line 13.

Page 3, line 16, delete "or".

Page 3, between lines 16 and 17, begin a new line block indented

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and insert:

"(2) the Green Globes Two Globes level; or".

Page 3, line 17, delete "(2)" and insert "(3)".

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"(d) The contracting agency shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

Page 3, line 42, after "listed" insert **"or eligible for listing"**.

Page 4, line 8, delete "meets at least:" and insert **"be designed with the goal of achieving:"**.

Page 4, line 11, delete "or".

Page 4, between lines 11 and 12, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 4, line 12, delete "(2)" and insert "(3)".

Page 4, line 17, delete "reconstruction, repair, alteration," and insert **"reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:"**.

Page 4, delete line 18.

Page 4, line 21, delete "or".

Page 4, between lines 21 and 22, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 4, line 22, delete "(2)" and insert "(3)".

Page 4, between lines 24 and 25, begin a new paragraph and insert:

"(d) The university shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

Page 5, line 24, after "listed" insert **"or eligible for listing"**.

Page 5, line 33, delete "is certified to meet at least:" and insert **"be designed with the goal of achieving:"**.

Page 5, line 36, delete "or".

Page 5, between lines 36 and 37, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 5, line 37, delete "(2)" and insert "(3)".

Page 5, line 42, delete "reconstruction, repair," and insert **"reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:"**.

Page 6, delete line 1.

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Page 6, line 4, delete "or".

Page 6, between lines 4 and 5, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 6, line 5, delete "(2)" and insert "(3)".

Page 6, between lines 7 and 8, begin a new paragraph and insert:

"(e) The political subdivision shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

and when so amended that said bill do pass.

(Reference is to HB 1280 as introduced.)

DVORAK, Chair

Committee Vote: yeas 7, nays 3.

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